

Notice of Allowability

Application No.

09/926,553

Examiner

Patricia L. Hailey

Applicant(s)

KURODA ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an Amendment after Final Rejection, filed on October 2.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>14</u> . |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

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Applicants' Amendment after Final Rejection, filed on October 2, 2003, has been made of record and entered. In this amendment, claim 1 was amended and new claims 12 and 13 have been added.

Claims 1-13 are now pending in this application.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Harris Pitlick on December 4, 2003.

The application has been amended as follows:

a. In line 2 of claim 2, please delete the phrase "the amount of an ammonium root in", and in line 3 of this claim, after the phrase "6.5 or less", please insert the phrase -has an ammonium root in an amount of--.

b. In line 2 of claim 6, please delete the phrase "the amount of an ammonium root in", and in line 3 of this claim, after the phrase "6.5 or less", please insert the phrase -has an ammonium root in an amount of--.

Allowable Subject Matter

2. Claims 1-13 are allowed.

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest the claimed process for producing a catalyst, wherein a used catalyst containing at least molybdenum, an element A (at least one selected from phosphorus and arsenic), an element X (at least one selected from potassium, rubidium, and cesium), is dispersed in water, an alkali metal compound and/or ammonia solution is added thereto to adjust the resulting mixture to a pH of 8 or more, and acid is added thereto to adjust the resulting mixture to a pH

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of 6.5 or less to generate a precipitate containing at least said molybdenum and said element A, the precipitate is separated from the liquid containing the precipitate, and a catalyst is formed from the precipitate as a source material for said catalyst.

The prior art also does not teach or suggest the presence of an ammonium root in the mixture prior to the first pH adjustment. The Examiner interprets of the phrase "ammonium root" to be ammonia that, upon pH adjustment, reacts to form an ammonium salt.

Ishii et al. (U. S. Patent No. 4,165,296) does not teach or suggest the pH adjustments, first to 8 or more, then to 6.5 or less. Ishii et al., in regenerating a catalyst via treatment with an aqueous solution containing ammonia and hydrogen peroxide or ozone, in the presence of a nitrate ion source (e.g., ammonium nitrate or nitric acid), disclose that the ammonia is added after the nitrate ion source, as shown in Patentees' Examples. With such an addition (i.e., the addition of ammonia), the pH increases to produce an alkaline mixture. Additionally, Ishii et al. do not form a precipitate; the regenerated catalyst is recovered by evaporation to dryness and thoroughly drying the solid residue (col. 2, lines 47-54).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Priority

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Applicants' Priority Documents were filed on November 19, 2001.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (703) 308-3317. The examiner can normally be reached on Mondays-Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on (703) 308-3823. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0661.


Lynn Hailey/plh
Examiner, Art Unit 1755
December 4, 2003


C. MELISSA KOSLOW
PRIMARY EXAMINER